IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11192 of 2004

Between:
Seri Narsa Reddy S/o Papi Reddy Selgira Village, Manoor Mandal, Medak District

.....
PETITIONER

AND

1 The Dy. Executive Engineer Water Shed Department , Narayankhed, at
Narayankhed, Medak District
2 Bhoj Reddy S/o Mogal Reddy
Selgira Village, Manoor Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of a writ of Mandamus, declaring the action of the 1st respondent in laying the proposed check dam in the petitioner's land bearing Sy.No.67/AA/1, in an extent of Ac. 3-29 Gts., Selgira Village, Manoor Mandal, Medak District, without the consent of the petitioner or issuing any notice or initiating any proceedings under the Land Acquisition Act or any other act, as illegal, void and consequently direct the respondents not to interfere with the petitioner's above mentioned agricultural land,

Counsel for the Petitioner: MR.S.R.DESHMUKH

Counsel for the Respondent No.1: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.2: None appeared

The Court made the following:

ORDER:

This writ petition is filed by the petitioner apprehending that the respondents may construct a check dam in his land in an extent of Ac.3.29 guntas in Survey No.67/AA/1 situated at Selgira village, Manoor Mandal, Medak District, without his consent or without acquiring the land under the provisions of the Land Acquisition Act (for short 'the Act').

2. According to the petitioner, he is the owner of the said land and he has been cultivating the same having inherited it from his ancestors. He has been in exclusive possession of the said land. However, the respondents are proposing to construct a check dam in the land of the petitioner without issuing any notice and without acquiring the land. Therefore, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned Government Pleader for Irrigation and Command Area Development has stated that the apprehension of the petitioner that a check dam is going to be constructed, is not correct. There is only a proposal as of now. If ultimately it is decided to construct a check dam, the respondent-authorities would do so, only after acquiring the land of the petitioner. Therefore, there is no merit in the

contention of the petitioner.

4. Heard both sides and considered the material on record and the writ petition is disposed of at the admission stage, in view of the representation made by the learned Government Pleader.

5. The apprehension of the petitioner is only that the respondent-authorities are going to construct a check dam without issuing notice or acquiring his land. As it is represented by the learned Government Pleader that there is only a proposal and there is no concrete decision as yet, there is no merit in the apprehension of the petitioner. But, if the respondent-authorities decide to construct a check dam in the petitioner's land, they can do so only either with the consent of the petitioner in writing or after acquiring the land of the petitioner under the provisions of the Act and not otherwise.

6. The writ petition is disposed of with the above observations. No costs.

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05.07.2004

Note: Furnish CC in two days

(B/O)

VGB

To

1 The Deputy Executive Engineer Water Shed Department , Narayankhed, at
Narayankhed, Medak District

2 2 CCs to the Govt. Pleader for Irrigation and Command Area

Development, High Court Buildings, Hyderabad (OUT).
3 2CD copies